

1 LAUREN M. BLAS, SBN 296823
2 lblas@gibsondunn.com
3 GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
3 Los Angeles, CA 90071-3197
4 Telephone: 213.229.7000
Facsimile: 213.229.7520

5 GEOFFREY SIGLER (*pro hac vice*)
6 gsigler@gibsondunn.com
7 GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5306
Telephone: 202.99.8500
Facsimile: 202.467.0539

9 Attorneys for Defendants UNITED
10 BEHAVIORAL HEALTH and UNITED
HEALTHCARE INSURANCE COMPANY

1 MATTHEW M. LAVIN (*pro hac vice*)
2 Matt.Lavin@agg.com
3 AARON R. MODIANO (*pro hac vice*)
4 Aaron.Modiano@agg.com
5 ARNALL GOLDEN GREGORY LLP
1775 Pennsylvania Ave NW, Suite 1000
Washington, DC 20006
Telephone: 202.677.4030
Facsimile: 202.677.4031

6 DAVID M. LILIENSTEIN, SBN 218923
7 david@dllawgroup.com
8 KATIE J. SPIELMAN, SBN 252209
9 katie@dllawgroup.com
10 DL LAW GROUP
11 345 Franklin Street
12 San Francisco, CA 94102
13 Telephone: 415. 678.5050
14 Facsimile: 415.358.8484

15 Attorneys for PLAINTIFFS

16 [ADDITIONAL COUNSEL LISTED ON
17 SIGNATURE PAGE]

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 OAKLAND DIVISION

21 LD, DB, BW, RH and CJ, on behalf of
22 themselves and all others similarly situated,

23 Plaintiffs,

24 v.

25 UNITED BEHAVIORAL HEALTH, a
26 California Corporation,
27 UNITEDHEALTHCARE INSURANCE
28 COMPANY, a Connecticut Corporation, and
MULTIPLAN, INC., a New York corporation,

Defendants.

CASE NO. 4:20-cv-02254-YGR

**JOINT STIPULATION AND [PROPOSED]
ORDER TO PERMIT CERTAIN
DEPOSITIONS FOLLOWING CLOSE OF
DISCOVERY**

Hon. Yvonne Gonzalez Rogers

Complaint filed: April 2, 2020
Third Amended Complaint filed: Sept. 10, 2021

1 Under Civil Local Rule 6-2 and 7-12, all parties in this case hereby stipulate and agree to permit
2 the depositions of certain witnesses following the close of discovery until July 29, 2022, without
3 modification of any other dates in the current schedule, subject to this Court's approval. The parties
4 have met and conferred and agreed on the following proposal. For the reasons set out below, the parties
5 respectfully submit that extraordinary and compelling reasons warrant this slight modification to the
6 existing schedule (Dkt. 130).

7 In further support of this Stipulation, the Parties state as follows:

8 **WHEREAS**, the Court entered its Order on April 21, 2022 (Dkt. 130) extending the non-expert
9 discovery cutoff to July 15, 2022 and otherwise extending case deadlines relating to briefing on class
10 certification, and providing that “[n]o further extensions will be granted absent extraordinary and
11 compelling reasons,” (Dkt. 130 at 6);

12 **WHEREAS**, the parties are on track to substantially complete fact discovery by the existing
13 deadline, including many thousands of documents and data already produced, including, most recently,
14 United's June 23, 2022 production of 8,452 pages of documents and privilege log containing 1,278
15 entries, and fourteen depositions to be taken (six depositions already taken and eight more scheduled
16 prior to the existing deadline);

17 **WHEREAS**, the parties have also conducted substantial third-party discovery, including
18 document subpoenas to several dozen third parties;

19 **WHEREAS**, the parties also have one discovery dispute on file with the Court that has not yet
20 been decided (Dkt. 120);

21 **WHEREAS**, notwithstanding the efforts described above, due to scheduling constraints, the
22 parties anticipate needing to complete the depositions of a limited number of additional witnesses
23 during the second half of July, with the permission of the Court, including (1) UHC witness Radames
24 Lopez; (2) the Rule 30(b)(6) designees for a limited number of treatment centers; (3) third party Creyna
25 Franco; (4) one Rule 30(b)(6) designee for MultiPlan; and (5) a limited number of third-party plan
26 sponsors;

27 **WHEREAS**, the Court has granted two previous extensions to the deadline that is the subject
28 of this stipulation (Dkt. 115; Dkt. 130);

WHEREAS, granting leave to take these depositions after the close of non-expert discovery will not alter any other dates in the schedule this Court set by its Order of April 21, 2022 (Dkt. 130);

WHEREAS, nothing in this Joint Stipulation alters any other rights, and the parties expressly reserve the right to seek further relief from the Court as necessary;

NOW, THEREFORE, subject to the approval of the Court, and for good cause shown, the parties hereby stipulate and agree to permit the parties to take the following depositions after the close of discovery and before July 29, 2022:

- UHC witness Radames Lopez;
 - the Rule 30(b)(6) designees for a limited number of treatment centers;
 - third party Creyna Franco;
 - one Rule 30(b)(6) designee for MultiPlan; and
 - a limited number of third-party plan sponsors.

A proposed order is submitted concurrently.

IT IS SO STIPULATED.

DATED: June 28, 2022

GIBSON, DUNN & CRUTCHER LLP

By: /s/ *Geoffrey Sigler*

Geoffrey Sigler

Attorneys for Defendants UNITED BEHAVIORAL
HEALTH and UNITED HEALTHCARE INSURANCE
COMPANY

DATED: June 28, 2022

PHELPS DUNBAR LLP

By: /s/ *Errol King*

Errol King

Attorneys for Defendant MULTIPLAN, INC.

1 MOE KESHAVARZI, SBN 223759
2 E-Mail: mkeshavarzi@sheppardmullin.com
3 DAVID DWORSKY, SBN 272167
4 E-Mail: ddworsky@sheppardmullin.com
5 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
6 333 South Hope Street, 43rd Floor
7 Los Angeles, California 90071
8 Telephone: 213.620.1780
9 Facsimile: 213.620.1398

10 ERROL J. KING, JR. (*admitted pro hac vice*)
11 PHELPS DUNBAR LLP
12 II City Plaza, 400 Convention Street, Suite 1100
13 Baton Rouge, Louisiana 70802
14 Telephone: (225) 376-0207
15 Facsimile: (225) 381-9197
16 Errol.King@phelps.com

17 Dated: June 28, 2022

18 ARNALL GOLDEN GREGORY LLP

19 By: /s/ Matthew M. Lavin
20 Matthew M. Lavin

21 Dated: June 28, 2022

22 DL LAW GROUP

23 By: /s/ David Lilienstein
24 David Lilienstein

25 Attorneys for PLAINTIFFS

[PROPOSED] ORDER

Having considered the parties' Joint Stipulation and [Proposed] Order to Permit Certain Depositions Following Close of Discovery, the Court HEREBY ORDERS as follows:

The parties may take additional depositions after the close of discovery until July 29, 2022.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

The Hon. Yvonne Gonzalez Rogers
UNITED STATES DISTRICT JUDGE

ATTESTATION PURSUANT TO LOCAL RULE 5-1

I, Geoffrey Sigler, am the ECF user whose identification and password are being used to file this document. Pursuant to Civil Local Rule 5-1(h)(3), I hereby attest that concurrence in the filing of this document has been obtained from the other signatories hereto.

Dated: June 28, 2022

/s/ Geoffrey Sigler

Geoffrey Sigler